

REMARKS/ARGUMENTS

Claims 35-36 and 38-86 remain in this application.

Allowable Subject Matter

The Examiner has acknowledged that claim 42 is directed to allowable subject matter. Claims 74-86 have been added to present claim 42 in independent form.

The Examiner has further acknowledged that claims 53-56, 58-60 and 70-80 are allowed.

Claim Objections

Claims 41 and 42 have been amended as suggested by the Examiner to clarify the reference to the guide surface.

Claim 61 has been amended as suggested by the Examiner to correct the preamble.

Rejection of Claims 35, 36, 38, 40, 41 and 73 over U.S. Patent No. 4,449,338 to Reicherts

The '388 patent does not describe or suggest the apparatus claimed in claims 35, 36, 38, 40, 41 and 73. Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. The '388 patent does not meet this requirement as it is missing several of the claimed surfaces.

The '388 patent does not describe a "first surface attached to a resting surface, wherein the resting surface is not in the same plane as the first surface" as claimed. While the '388 patent may describe a first surface that includes a fastener, there is no attached resting surface that is not in the same plane as the first surface.

The '388 patent has no guide surface continuous with a resting surface. Since the '388 patent has no resting surface it therefore has no continuous guide surface as claimed.

The '388 patent has no target surface continuous with a guide surface as claimed.

Rejection of claim 49 over '338 in view of U.S. Patent No.5,366,329 to Burgess

The '329 patent does not describe or suggest the additional surfaces that are missing from the '338 patent. The '329 patent lacks a target surface continuous with a guide surface as claimed.

Rejection of claims 50 and 52 over '338 in view of U.S. Patent No.5,617,698 to Guilmette

The '698 patent does not describe an apparatus for installing building material as claimed, but a claim for holding up wall panels. The '698 patent provides no further description of surfaces as claimed.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully submitted

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